

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Children's Television Obligations)	MM Docket No. 00-167
Of Digital Television Broadcasters)	

REPLY COMMENTS OF DISCOVERY COMMUNICATIONS, INC.

Discovery Communications, Inc. ("Discovery"), by its attorneys, hereby submits brief reply comments to clarify aspects of the record in the above-captioned proceeding. Discovery has participated in earlier phases of this rulemaking proceeding by petitioning the Commission to reconsider its recently adopted regulations concerning display of Internet website addresses during children's programming and the prohibition on "host-selling" in the website context.¹ These comments briefly address the question of whether there is any immediate need for Commission regulation of potential interactive features in digital programming designed for children.

In the Further Notice of Proposed Rulemaking accompanying its *Digital Kidvid Order*, the FCC encouraged experimentation with the nascent technology, but also expressed some concern about the possibility that interactive digital television services might someday expose children to "excessive" commercialization.² Accordingly, the Commission called for comment on several key issues – many of which are difficult to address simply because interactivity is a

¹ See Petition of Discovery Communications, Inc. for Reconsideration of Children's Television Obligations of Digital Television Broadcasters, MM Dkt. No. 00-167 (filed Feb. 2, 2005).

² See *Children's Television Obligations of Digital Television Broadcasters* (Report and Order and Further Notice of Proposed Rulemaking), MM Dkt. No. 00-167 (rel. Nov. 23, 2004) ("Digital Kidvid Order").

still-developing enhancement to television's traditional "one-way" mode of communication.

Few programmers have even begun to provide interactive features on a regular basis.

Despite the lack of concrete examples on point, however, certain commenters have urged the FCC to broadly prohibit "interactivity with commercial matter during children's programming."³ In attempting to bolster their contentions, the Children's Media Policy Coalition ("CMPC") created a hypothetical illustration that mixed pure fancy with real elements of a recent episode of the Discovery Kids program "Darcy's Wild Life."⁴ Noting that the episode involved a style "makeover" of a teenage character, CMPC speculated that added interactivity features "might" permit a child to "learn more" about items featured in the makeover and that this posited scenario would constitute a "clear violation" of the children's TV commercial limits.

Discovery wishes to make plain that the real airing of the "Darcy's Wild Life" episode contained no interactive features whatsoever, commercial or otherwise. CMPC's reliance on a fanciful hypothetical does, however, illustrate a critical point: the development of interactive TV is at too early a stage today for the Commission to regulate it now.

We fully support the Commission's efforts to serve the needs of children in the television audience, including the goal of shielding youngsters age 12 and under from excessive commercialization. At this point, however, it could well be counterproductive – and contrary to the Commission's goal of fostering innovative video technology – for the FCC to attempt to regulate practices that have not yet emerged. Should it later become clear that marketplace

³ Comments of Children's Media Policy Coalition, *et al.*, MM Docket No. 00-167, at i (filed Apr. 1, 2005).

⁴ *See id.* at 11. "Darcy's Wild Life" airs on the Saturday morning children's programming block on the NBC broadcast network and also on Discovery's own "Discovery Kids" digital programming channel.

forces are fostering interactive features that cause concern, the Commission will have ample time to consider whether, and what, action might be advisable.

For our part, Discovery looks forward to exploring the potential for the new technology to augment the high quality, enlightening and entertaining programming that we offer to youngsters and adults alike. Although we cannot clearly predict what is to come, our interactive media offerings will continue in the Discovery tradition of providing educational content that both children and their parents trust and enjoy. We will be happy to cooperate with the Commission in discussing the developments in interactive television as they move forward.

Respectfully submitted,

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